

Chapter 8

After the Election

After the election, a candidate's future filing obligations usually are determined by whether he or she won or lost. A primarily formed committee will often choose to close its committee. However, the law does not require any local candidate or committee to terminate. This chapter addresses the reporting requirements for successful candidates, defeated candidates, primarily formed committees, and the guidelines for terminating a campaign committee.

Successful Candidates – Future Filing Obligations for Non-Election Years

Filed Form 470 During Campaign

A candidate who filed the campaign statement short form, Form 470, in connection with an election may continue to file Form 470 as an officeholder, provided \$1,000 or more is not raised or spent during any calendar year. The Form 470 is due by July 31 of each year.

Judges and Unpaid Elected Officeholders

During non-election years, judges, unpaid elected officeholders (officeholders whose salaries from their elected positions are less than \$200 a month), and their controlled committees are not required to file Form 460 or 470 during any six-month period in which they do not receive contributions or make expenditures. (See Chapter 5.)

Filed Form 460 and Committee Stays Open

After the election, a successful candidate has the option of maintaining his or her committee and campaign bank account, or terminating the campaign committee and closing the bank account. An officeholder who maintains a committee may:

- Continue to receive contributions;

- Use campaign funds to offset officeholder expenses; or
- Hold funds for use in a future election. (See Chapter 1 for information on redesignating an account and committee for a future election.)

During non-election years, Form 460 is filed on a semi-annual basis as long as the committee remains open. In addition, other special reports may be required.

(Refer to Chapter 9 for a discussion on the permissible uses of campaign funds. Also, local candidates should check with their city or county for restrictions under any locally-adopted campaign rules.)

Closing the Committee

If no funds are left in the campaign account and the candidate will not raise additional funds, the account and campaign committee should be closed. (Form 460 must be filed indicating a zero cash balance and Form 410 to terminate the committee.)

If the committee is terminated before the end of a calendar year, the candidate must continue to file the Form 460 for the remainder of that calendar year. However, the Form 460 may be filed as both a termination statement and a semi-annual statement. The Form 470 may be filed in future years while in office.

Example *At the end of November, after winning her election, Arlene decides to terminate her committee. To do so, she must file a termination Form 410 and a termination Form 460 showing that the committee has no cash left. On the Form 460 Cover Page, Type of Statement section, she will mark both the termination and semi-annual boxes and enter December 31 as the*

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closing date of the statement. Unless there is additional activity, Arlene is not required to file a semi-annual report on January 31, and may file Form 470 on July 31.

\$5,000 or more in a calendar year in connection with one or more such events, the co-sponsoring elected official must file a special report disclosing the payment(s).

REPORT OF PAYMENT FOR LEGISLATIVE, GOVERNMENTAL, OR CHARITABLE PURPOSES	
Pursuant to Government Code Section 82015, the following is a notice that a payment or payments aggregating \$5,000 or more has been made principally for legislative, governmental, or charitable purposes in coordination with or at the request of the official listed below.	
Name of Official	Marshall Travers
Agency Address	City Hall 234 First Street, Oakmont, CA 95443
Date(s) of Payment(s)	June 24, 20XX
Name of Payor	Wildwood Insurance Company
Address of Payor	1253 Main Street, Oakmont, CA 95433
Amount(s) of Payment(s)	\$5,000
Name of Payee	Boys and Girls Club of California
Address of Payee	555 10th Street, Sacramento, CA 95814
Description of Goods Or Services Provided	Charitable Donation
Specific Legislative, Governmental, or Charitable Purpose	Charitable Fundraiser
Date: 7/1/XX	[Signature Required] Signature of Elected Official

The report is required to be filed with the elected official's agency within 30 days following the date of the payment and is a public record. The report then must be forwarded to the filing officer who receives the elected official's campaign statements.

The report also must be filed by an elected official if an individual or entity donates \$5,000 or more in a calendar year to charitable organizations or events at the request of the elected official.

There is no specific form for reporting co-sponsored payments. The report must contain all of the information shown in the example above.

Co-Sponsored Payment Reports

Elected officials often co-sponsor charitable, governmental, or legislative events with outside sources. Examples might include a job fair or a conference on health or educational issues co-sponsored by an elected official and business or non-profit entities.

Payments made by outside sources in connection with these events generally are not considered gifts or contributions to the elected official who is co-sponsoring the event, although meals, lodging, and travel payments received by an official in connection with a co-sponsored event may be reportable gifts. If an outside source pays

Example *At the mayor's request, a catering establishment donated refreshments for a city sponsored job faire. The cost exceeded \$5,000. The mayor must file a report with the city clerk.*

Defeated Candidates – Future Filing Obligations

Form 470 Filers

A candidate who filed the campaign statement short form, Form 470, has no further reporting obligations after the election as long as less than \$1,000 was raised or spent during the calendar year.

Form 460 Filers

There is no deadline for terminating the committee or disposing of remaining funds. Form 460 continues to be filed on a semi-annual basis as long as the committee remains open. In addition, other special reports may be required. (See Chapter 7.)

To use money remaining in the campaign bank account for a future election to the same office, a candidate must file a new Candidate Intention Statement, Form 501 and amend the Statement of Organization, Form 410. To use the funds for election to a different office, the candidate must file a new Form 501, open a new campaign bank account, and file a new Form 410 for the future election. **In either event, this must be done no later than the closing date for the post-election filing period or the date of leaving office (defeated incumbents), whichever occurs last, or the funds will become “surplus” campaign funds and be subject to restrictions.** (See Chapter 9.)

Example *John Davis lost the city council election in June. John has \$3,500 remaining in his campaign bank account and is considering seeking another city council position in two years. In order to use the remaining \$3,500 for the future election, John must file a new Candidate Intention Statement, Form 501, and redesignate the bank account to a future election by amending his Statement of Organization, Form 410, to indicate the new office sought and year of election. This must be done no later than June 30, which is the end of the post-election reporting period for an election held during the first six months of the year.*

Primarily Formed Committees – Future Filing Obligations

Generally, a committee established primarily to support or oppose a particular candidate(s)

will terminate after the election. However, the committee may remain open to:

- Raise funds to pay debts.
- Support or oppose other candidates or measures. The committee will need to amend its Statement of Organization (Form 410) to reflect the change in committee type.

Example *After the election, the committee primarily formed to support candidate Jones decides to support candidate Lopez in the next election. In order to do so, it will amend its Statement of Organization.*

Form 460, 450, or 425 must be filed on a semi-annual basis as long as the committee remains open. Preelection statements and other special reports may be required depending on the committee's activities.

Termination

There is no deadline for terminating a committee controlled by a local candidate or officeholder unless the controlling candidate/officeholder becomes a state officeholder (in which case, refer to FPPC's Information Manual for State Candidates (Manual 1) for termination requirements). Primarily formed committees also do not have a deadline to terminate. However, the committee, by its nature, may need to change its committee status if it remains open after the election.

A committee may terminate only if the committee:

- Has ceased receiving contributions or making expenditures and does not anticipate receiving contributions or making expenditures in the future;
- Has no remaining campaign funds;
- Has filed all required campaign statements, disclosing all reportable transactions, including the disposition of leftover funds; and

- Has eliminated all debts, or has no intention or ability to discharge debts.

Use the Form 410 to terminate the committee. Check the “Termination” box, and report the committee’s identification number and the date of termination; the date of termination generally is the date all funds have been expended. In addition, identify the name of the committee and have the treasurer or assistant treasurer sign the verification. If this is a controlled committee, the controlling officeholder(s)/candidate(s) also signs the verification.

Form 450 or 460 also must be filed showing that all funds have been expended and the committee has no cash on hand. Check the “Termination” box on the cover page.

File the original and a copy of the Form 410 with the Secretary of State and a copy with the committee’s local filing official. File the Form 450 or 460 in the committee’s regular filing locations. (See Chapter 5.)

Answering Your Questions

- Q. *May I terminate my committee even if I have outstanding debt owing to creditors?*
- A. Yes. When you file your termination statements showing outstanding debt, you are declaring that you do not have the ability to discharge debts, loans, or other obligations. However, if you plan to raise additional funds, or pay the outstanding debt with personal funds, you may not terminate.

Authority

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

Government Code Sections

- 82015 *Contribution.*
- 84103 *Statement of Organization; Amendment.*
- 84200 *Semi-Annual Statements.*
- 84206 *Candidates Who Receive or Spend Less than \$1,000.*
- 84214 *Termination.*

Title 2 Regulations

- 18215 *Contribution.*
- 18404 *Termination of Candidate’s and Committees’ Filing Requirements.*
- 18406 *Short Form for Candidates or Officeholders Who Receive and Spend Less than \$1,000 in a Calendar Year.*
- 18426 *Semi-Annual Statement Early Filing.*